

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

WILLIAM V. FRABIZIO III

Plaintiff,

v.

ELECTRIC-SPORTS, INC.,
JOHN E. CONWAY, and MARK BORTMAN

Defendants.

CIVIL ACTION No. 04-12588 DPW

ELECTRIC SPORTS, INC.,
JOHN E. CONWAY, and MARK BORTMAN

Plaintiffs in Counterclaim,

v.

SPORTBOX LLC, WILLIAM V. FRABIZIO III,
and ANNA MARIANI FRABIZIO

Defendants in Counterclaim.

STIPULATION OF DISMISSAL WITH PREJUDICE

Pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, the Parties hereby stipulate that all claims and counterclaims in the above-captioned matter should be dismissed with prejudice, without attorneys' fees and without right of appeal.

WILLIAM V. FRABIZIO III,

ELECTRIC SPORTS, INC.,
JOHN E. CONWAY and MARK BORTMAN,

/s/ William V. Frabizio III

William V. Frabizio III
Sportbox LLC
107 Bridge Street
Newton, Massachusetts 02458
(617) 916-1862

PLAINTIFF and
DEFENDANT IN COUNTERCLAIM

/s/ Gabriel M. Helmer

Michele A. Whitham (BBO No. 553705)
Gabriel M. Helmer (BBO No. 652640)
Foley Hoag LLP
155 Seaport Blvd.
Boston, MA 02210
(617) 832-1000

ATTORNEYS FOR DEFENDANTS and
PLAINTIFFS IN COUNTERCLAIM

ANNA MARIANI FRABIZIO,

/s/ Anna Mariani Frabizio

Anna Mariani Frabizio
107 Bridge Street
Newton, Massachusetts 02458
(617) 916-1862

DEFENDANT IN COUNTERCLAIM

Dated: April 11, 2005